

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,	§	
	§	
Plaintiff,	§	Civil Action No. 6:12-CV-499 LED
	§	
v.	§	
	§	
TEXAS INSTRUMENTS, INC.,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	
	§	
<hr/>	§	
BLUE SPIKE, LLC,	§	
	§	
Plaintiff,	§	Civil Action No. 6:12-CV-568 LED
	§	
v.	§	
	§	
ZEITERA, LLC.	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	
	§	
	§	

**DECLARATION OF SHASHANK MERCHANT IN SUPPORT OF DEFENDANT
ZEITERA, LLC'S MOTION TO TRANSFER VENUE TO THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA UNDER 28
U.S.C. § 1404(a)**

I, Shashank Merchant, state and declare as follows:

1. I am VP of Engineering at Zeitera, LLC d/b/a Zample (“Zeitera”) and provide this declaration in support of Defendant Zeitera’s Motion to Transfer Venue to the United States District Court for the Northern District of California Under 28 U.S.C. § 1404(a). I make this declaration based upon personal knowledge and investigation into the witnesses and evidence related to the systems Blue Spike LLC (“Blue Spike”) appears to be accusing of infringement in its Complaint.

2. Zeitera, LLC has recently transitioned to doing business as Zample. For simplicity, I will refer to the going concern as Zeitera in this declaration.

3. Blue Spike contends that Zeitera’s “Vvid, TangoAV, and ACR fingerprinting software, systems, and technology” (collectively, the “Accused Systems”) infringe four patents identified in the Complaint.

4. Since its founding, Zeitera has been headquartered in Silicon Valley, California. Zeitera’s headquarters were initially in San Jose, California, after which the company moved to Mountain View, California. Our headquarters are now in Sunnyvale, California. This location is Zeitera’s only office, and includes its strategic and operational center.

5. All of Zeitera’s employees work in Zeitera’s Sunnyvale office. All employees that worked on the research and development of the Accused Systems worked in Zeitera’s Silicon Valley offices, and the research and development efforts were conducted out of Zeitera’s headquarters. Zeitera does not have any offices or employees outside the Bay Area. On occasion, Zeitera has retained outside consultants located outside the Bay Area. I am not aware of any of these consultants residing or working in Texas.

6. In particular, I have responsibility for development, operations, and competition regarding the Accused Systems and thus may possess knowledge relevant to the development, operations, and competition of the Accused Systems. I work in Zeitera’s Sunnyvale office.

7. In addition, Yasha Spong, Director of Business Development, has responsibility relevant to Zeitera’s sales, marketing, and competition in the United States and thus may possess

knowledge relevant to the sales, marketing, and competition regarding Zeitera's Accused Systems.

8. All documents and evidence, including both physical and electronic files (including source code repositories), regarding the operation of the Accused Systems reside in Silicon Valley, California. Most of Zeitera's documents and evidence are located in Sunnyvale, California, with some electronic files and source code repositories in data centers in Mountain View, California. In addition, some of Zeitera's hosting is provided by AWS, a company based in Seattle, with data centers in Virginia.

9. Zeitera's sales and marketing personnel, as well as all documents relating to sales and marketing, reside in Sunnyvale, California.

10. None of Zeitera's evidence relating to the Accused Systems resides in Texas. Zeitera does not maintain an office in the Eastern District of Texas, or anywhere in Texas.

11. Particularly given the location of Zeitera's evidence and witnesses concerning the Accused Systems, the United States District Court for the Northern District of California is a much more convenient and accessible forum than this Court for Zeitera and its witnesses. The need for multiple critical Zeitera employees to travel to this District to testify would cause a substantial disruption to Zeitera's business.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed in Sunnyvale, California this 5th day of February, 2014

S. C. Merchant

Shashank Merchant